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| **TEXAS CTE LESSON PLAN**  [www.txcte.org](http://www.txcte.org) | |
| **Lesson Identification and TEKS Addressed** | |
| **Career Cluster** | Law, Public Safety, Corrections, & Security |
| **Course Name** | Principles of LPSCS |
| **Lesson/Unit Title** | The Making of Laws |
| **TEKS Student Expectations** | **130.332. (c) Knowledge and Skills**  (8) The student understands the historical and philosophical development of criminal law.  (A) The student is expected to identify the sources and origin of law in the United States.  (B) The student is expected to explain the impact of the U.S. Constitution and Bill of Rights on criminal law in regard to the rights of citizens.  (C) The student is expected to differentiate between crimes classified as felonies or misdemeanors and the punishments for each.  (D) The student is expected to analyze the essential elements and classifications of a crime.  (E) The student is expected to identify problems commonly associated with the enforcement of criminal laws.  (F) The student is expected to identify the process by which laws are enacted. |
| **Basic Direct Teach Lesson**  (Includes Special Education Modifications/Accommodations and  one English Language Proficiency Standards (ELPS) Strategy) | |
| **Instructional Objectives** | The students will be able to:   * Identify the sources and origins of laws in the United States. * Explain the impact of the United States Constitution and Bill of Rights on criminal law in regard to the rights of citizens. * Analyze the impact of constitutional law on the police as it relates to arrest, use of force, and search and seizures. * Differentiate between crimes classified as felonies or misdemeanors and the punishments for each. * Analyze the essential elements and classifications of a crime. * Identify the problems commonly associated with the enforcement of criminal laws. * Outline the process by which laws are enacted. |
| **Rationale** | Students must understand the history of our laws and the impact that each one has on our rights as citizens of the United States. It is important to know the source of our laws, and the elements and classifications of crimes. |
| **Duration of Lesson** | 6 Hours |
| **Word Wall/Key Vocabulary**  *(ELPS c1a,c,f; c2b; c3a,b,d; c4c; c5b) PDAS II(5)* |  |
| **Materials/Specialized Equipment Needed** | * The Making of Laws computer-based presentation * Landmark Supreme Court Cases Worksheet and Key * Penal Code Project Sheet * Alternative Project Options * Computers with Internet access * Art Supplies * The Making of Laws Exam and Key * Penal Code Project Rubric * Discussion Rubric * Individual Work Rubric * Presentation Rubric |
| **Anticipatory Set**  (May include pre-assessment for prior knowledge) | Give each student a Landmark Supreme Court Case Worksheet. Students will research the news using computers with internet access. They may work in pairs or individually. Students will look up each of the Supreme Court cases and match the findings of the court to the associated case. Use the Landmark U.S. Supreme Court Decisions Worksheet Key for assessment. |
| **Direct Instruction \*** | |  | | --- | | I. Sources of Law  A. Federal – these laws come from the U.S. Constitution, U.S. Criminal Codes, Judicial decisions (case law), and executive orders from the President.  B. State – these laws come from state constitutions, state criminal codes, and common law.  C. Local – these laws come from city and county charters, city and county ordinances, common law, and judicial decisions interpreting codes (case law).  II. Historical Origins  A. The Code of Hammurabi – the earliest example of legal codes governing both criminal and civil cases. 282 codes from early Babylon.  B. The Magna Carta – secured civil and criminal rights for English  noblemen, and is similar to America’s Bill of Rights  C. English Common Law – unwritten, simply stated laws based on traditions and common understandings from a time when most people were illiterate  D. The English Bill of Rights – established certain, guaranteed freedoms of citizens  III. The Bill of Rights’ Influence on Criminal Law  A. First Amendment – establishes fundamental freedoms to express oneself  B. Second Amendment – gives citizens the right to arm themselves and protect their property  C. Fourth Amendment – governs all laws relating to arrest, search and seizure, and the rights citizens have to privacy  1. The authority for arrest comes from the [Code of Criminal Procedure (CCP) 15.22](http://www.statutes.legis.state.tx.us/Docs/CR/htm/CR.15.htm#15.22)  2. The elements of arrest (See Activity 1)  a) Intent  b) Authority  c) Custody (Seizure or Detention)  d) Understanding of subject  3. Levels of proof  4. Guidelines for arrest  a) An arrest may be made anytime of the day or night [(CCP 15.23)](http://www.statutes.legis.state.tx.us/Docs/CR/htm/CR.15.htm#15.23)  b) When making an arrest, all reasonable means are permitted to affect it. No greater force, however, shall be resorted to than is necessary to secure the arrest and detention of the suspect [(CCP 15.24).](http://www.statutes.legis.state.tx.us/Docs/CR/htm/CR.15.htm#15.24)  5. Temporary detention  a) Reasonable suspicion  b) Activity occurring/just occurred  c) Person connected to the activity  d) Limited time  e) Florida v. Royer  1) Investigative detention  2) No longer than necessary  3) The scope of the detention matches the justification  6. Stops are justified if  a) No “fitting” time or place  b) Description of a wanted person  c) Emotional, frightened, or intoxicated  d) Running, furtive movements  e) Loitering, hanging out, or acting as a “look out”  f) Crime scene area  7. Terry Frisk  *a) Terry v. Ohio*  b) Unusual Conduct  c) May be armed and dangerous  d) Protection of self and others  e) Suspicion of crime and the weapon to be used  f) Careful pat of outer clothing  g) Alone and no backup  h) Emotions or behavior of suspects  8. Search –prying into hidden places for that which is concealed  9. Search warrant requirements  a) Definition [(CCP 18.01)](http://www.statutes.legis.state.tx.us/Docs/CR/htm/CR.18.htm#18.01)  b) Neutral and detached magistrate  c) Probable cause or staleness  d) Sworn affidavit  e) Must include  1) The specific offense committed  2) The specific property to be seized  3) The property is at a place to be searched  10. Search beyond a warrant  a) Protective sweep  b) Prevent the destruction of evidence  c) Discover more, or possible, evidence in plain view elsewhere on the property  d) Hunt for evidence or contraband that, as a result of the initial search, is believed to exist in another location on the property  11. Exceptions to search warrants  a) Vehicles  b) Open fields  c) Anything with consent  d) Abandoned property  e) Inventory  f) Plain view  12. Searches at schools  a) Backpack searches  b) Locker searches  c) Vehicles searches  d) Strip searches  e) The use of metal detectors  f) The use of drug dogs  g) Consent to search  13. Plain View Doctrine  *a) Coolidge v. New Hampshire*  b) The initial intrusion must be lawful or in proper position to view the property.  c) The discovery must be inadvertent.  d) It must be immediately apparent that the items are evidence of a crime, contraband, or subject to seizure.  14. The Exclusionary Rule [(CCP 38.23)](http://www.statutes.legis.state.tx.us/Docs/CR/htm/CR.38.htm#38.23)  a) No evidence shall be admitted into a criminal trial that was obtained in violation of constitutional rights.  b) Mapp v. Ohio  c) Illegally seized evidence could be excluded from both state and federal cases  D. Fifth Amendment  1. Grand jury  2. Double jeopardy  3. Self-incrimination  4. Due process  5. Just compensation for government takings  E. Sixth Amendment  1. Speedy and public trial  2. Impartial jury  3. Informed of nature and cause of the accusation  4. Confrontation of witnesses  5. Compulsory process of witnesses  6. Right to an attorney  F. Eighth Amendment  1. No excessive bail  2. No excessive fines  3. No cruel and unusual punishment  IV. Elements of a crime  A. Actus Reus  1. The action of a person committing a crime as defined by law, the acts are voluntary, and it can be failure to act. The actus reus of some crimes does not require a bodily or physical action and can consist of verbal actions.  2. The criminal intent of a crime may be the failure to act when a legal duty to act exists.  3. Possession of an illegal or prohibited item can constitute actus reus.  a) Constructive possession – does not have physical or actual possession of an illegal item but exercised care, custody or control over the contraband, knowing it was illegal  b) Knowing possession – a person has actual possession and knows that the item is illegal.  c) Mere possession – a person has actual possession of an illegal item, but does not know it is illegal.  B. Mens Rea  1. The state of mind and intent of a person committing the act of a crime (actus reus)  a) General intent – the logical outcomes associated with a criminal act  b) Transferred intent – a person injured another but did not intend to harm the other party.  c) Constructive intent – the actor did not intend to harm anyone but should have known that his or her behavior created a high risk of injury.  2. Strict liability – actions do not require criminal intent to be defined as crimes, such as parking violations  C. Inchoate Offenses  1. Solicitation – the incomplete crime: urging, requesting, or commanding another person to commit a crime  2. Conspiracy – a criminal act requiring no action other than communication  3. Attempt – a criminal act amounting to more than mere preparation  V. Classification of Crimes  A. Misdemeanor – less serious criminal conduct punishable by incarceration for less than one year  1. Class C – up to a $500 fine (ticket)  2. Cannot be arrested for  a) Speeding  b) Open Container  3. Class B – up to 180 days in jail and a $2,000 fine  4. Class A – up to 2 years in jail and a $4,000 fine  B. Felonies  1. State Jail (SJF) – 180 days-2 years and a $10,000 fine  2. 3rd degree – 2-10 years in prison and a $10,000 fine  3. 2nd degree – 2-20 years in prison and a $10,000 fine  4. 1st degree – 5-99 years in prison and a $10,000 fine  5. Capital – death or life without parole  C. Crimes Against Persons – crimes that target a person as a victim of the crime  1. Homicide  2. Robbery  3. Sexual Assault  4. Assault  D. Crimes Against Habitations – crimes associated with one’s dwelling or associated building  1. Burglary  2. Arson  3. Criminal trespass  E. Crimes Against Property – crimes associated with one’s belongings  1. Theft  2. Forgery  3. Fraud  4. Criminal Mischief  5. Reckless Damage  6. Graffiti  7. Unauthorized Use of a Motor vehicle  F. Crimes Against Public Order  1. Public Intoxication  2. Disorderly Conduct  3. Riot  4. Harassment  5. Cruelty to Animals  6. Dog Fighting  G. Crimes Against Public Morals  1. Prostitution  2. Possession of child pornography  3. Gambling  4. Driving while intoxicated  5. Engaging in organized crime  H. Problems with enforcement – the justice system is overseen by laws which we are to follow. Such laws can come from court procedures, rules of evidence, and police procedures.  I. Rules of Evidence – stipulate the requirements for introducing evidence, and define the qualifications of an expert witness and the nature of the testimony he or she might give  J. Exclusionary Rule – prohibits the use of evidence or testimony obtained in violation of the U.S. Constitution  K. Fruit of the Poisoned Tree Doctrine – extends the exclusionary rule to secondary evidence obtained indirectly in an unconstitutional search  VI. Procedures for Enacting Laws  A. The idea is formatted in the written form of a Bill.  B. The Bill is sent to a congressional committee.  C. The Bill goes to the House for a vote; if it does not pass, it dies.  D. If the Bill passes the House vote, it proceeds to the Senate.  E. The Senate passes the Bill.  F. The bill is sent to the President for a signature.  G. If the President fails to sign, the Bill goes back to the committee.  H. If the President signs the Bill, it becomes law. |   *Individualized Education Plan (IEP) for all special education students must be followed. Examples of accommodations may include, but are not limited to:*  NONE |
| **Guided Practice \*** | Do an Internet search for the following: video arrested Texas style. Watch the video and discuss the elements of arrest and how they apply to this video. Use the Discussion Rubric for assessment.  *Individualized Education Plan (IEP) for all special education students must be followed. Examples of accommodations may include, but are not limited to:*  For reinforcement, students will find articles in the newspaper or online that list charges filed on a suspect, and then categorize the crimes by type (crimes against persons, crimes against habitations, etc.). Use the Individual Work Rubric for assessment. |
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| **Lesson Closure** |  |
| **Summative/End of Lesson Assessment \*** | * Penal Code Project * Alternative Project Options * The Making of Laws Exam   *Individualized Education Plan (IEP) for all special education students must be followed. Examples of accommodations may include, but are not limited to:*  NONE |
| **References/Resources/**  **Teacher Preparation** | Texas Penal Code <http://www.statutes.legis.state.tx.us>  Bill of Rights <http://www.archives.gov/exhibits/charters/charters.html> |
| **Additional Required Components** | |
| **English Language Proficiency Standards (ELPS) Strategies** |  |
| **College and Career Readiness Connection[[1]](#footnote-1)** |  |
| **Recommended Strategies** | |
| **Reading Strategies** |  |
| **Quotes** |  |
| **Multimedia/Visual Strategy**  **Presentation Slides + One Additional Technology Connection** |  |
| **Graphic Organizers/Handout** |  |
| **Writing Strategies**  **Journal Entries + 1 Additional Writing Strategy** |  |
| **Communication**  **90 Second Speech Topics** |  |
| **Other Essential Lesson Components** | |
| **Enrichment Activity**  (e.g., homework assignment) | For enrichment, have the students read Chapter 14 and 15 in the Code of Criminal Procedures, and list requirements for both arrest warrants and search warrants. They should also identify when a warrant is needed and when it is not. Use the Individual Work Rubric for assessment |
| **Family/Community Connection** |  |
| **CTSO connection(s)** | SkillsUSA |
| **Service Learning Projects** |  |
| **Lesson Notes** |  |

1. Visit the Texas College and Career Readiness Standards at <http://www.thecb.state.tx.us/collegereadiness/CRS.pdf>, Texas Higher Education Coordinating Board (THECB), 2009. [↑](#footnote-ref-1)